



WEB COPY

W.P(MD)No. 14741 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No. 14741 of 2019

and

WMP(MD)Nos. 11169 to 11171 of 2019

S.P. Bhami

... Petitioner

Vs.

- 1.State of Tamil Nadu,
rep.by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 9.
- 2.The Director,
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 6.
- 3.The Joint Director (HSS),
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 6.
- 4.The Joint Director(Personal),
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 6.
5. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
6. The District Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of **Certiorarified Mandamus** to call for the records pertaining to the impugned Clause 9(i) of the G.O.(1D). No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and quash the same and consequently directing the respondents to permit the petitioner to participate in the general transfer counselling to be held on 09.07.2019.



For Petitioner : Mr. V. Muthukamatchi

For Respondents : Mrs.S.Srimathy
Special Government Pleader

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ORDER

This writ petition has been filed challenging the impugned Clause 9(i) of the G.O.(1D).No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and quash the same and consequently directing the respondents to permit the petitioner to participate in the general transfer counselling to be held on 09.07.2019.

2. According to the petitioner, she was initially appointed as B.T. Assistant (Maths) and while, she was working as Headmistress to Government High School, Thulukkarpatti, Tirunelveli District, the respondents have transferred her to Government high School. Ettankulam Tirunelveli District. The first respondent has issued notification for the General Transfer Counseling. Hence, she has submitted application before the sixth respondent, but the sixth respondent has refused to receive her application and orally stated that as per Clause 9(i) of G.O.(ID) No. 218 School Education (Pa.Ka.5(1) Dpeatment, dated 20.06.2019, the applicant must have completed 3 years of service in the last station. Therefore, as per the said clause, the petitioner is not eligible to apply for the forthcoming general transfer counseling. Hence, the petitioner is before this Court seeking the aforesaid relief.

3. The learned counsel appearing for the petitioner has submitted that by order, ***dated 27.08.2019 in W.P. (MD) No.14188 etc., batch, dated 27.08.2019***, this Court has disposed the batch of writ petition and the aforesaid order, dated 27.08.2019 is also squarely applied to the facts of the case. The learned Special Government Pleader appearing for the respondents has not raised any serious objection.

4. In the light of the aforesaid submission, the instant writ petition is disposed of with the terms of the order dated, ***27.08.2019 in W.P. (MD) No.14188 of 2019 etc. , batch,.***

i) The petitioners, who are all coming under the categories of deployment or by promotions and not completing one year of service in the present working place and the persons, who are all coming under Special Categories in G.O. (1D) No.256, School Education Department dated 19.04.2017, are entitled to attend the General Transfer Counselling to be held for this academic year 2019-20 prior to the notification issued.



ii) The Secretary to Government is directed to pass appropriate orders in accordance with rules, within a period of two weeks from the date of receipt of a copy of this order in the light of the letter No.21787/SE5(1)/2019-1, dated 26.08.2019, School Education Department, Secretariat, Chennai 9.

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iii) Insofar as condition No. 10 of the said G.O.(1D). No.218 School Education [Pa.Ka.5(1)] Department dated 20.06.2019, is concerned, based on the letter No.21787/SE5(1)/2019-1, dated 26.08.2019, School Education Department, Secretariat, Chennai 9, the Government shall consider and take a decision for the forthcoming General Transfer Counselling to be held for this academic year, 2019-20.

iv) If any of the petitioners have not submitted their applications so far to seek their remedy, they are at liberty to submit their applications before the appropriate authority within a period of one week from the date of receipt of a copy of this order.

5. It is made clear that this order is applicable for the General Transfer Counselling to be conducted for this academic year, 2019-20 alone, not a precedent in future. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

Ksa

To

1.State of Tamil Nadu,
rep.by its Principal Secretary,
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Fort St. George, Chennai - 9.

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Tirunelveli District,
Tirunelveli.

+1 CC to SPL GP SR-84473.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate SR-84523.

W.P (MD) No. 14741 of 2019

29.08.2019

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